

# **ALABAMA LEGAL SERVICES PROGRAMS PROGRAM LETTER 2000-7 REPORT**

## **INTRODUCTION**

In response to LSC's challenge through the state planning process, the three Alabama legal services programs - Legal Services Corporation of Alabama, Inc., (LSCA), Legal Services of Metro Birmingham, Inc., (LSMB), and Legal Services of North Central Alabama, Inc., (LSNCA) - have engaged in an ongoing assessment of the delivery system here in Alabama. We have continuously informed and involved others interested in civil justice in this process. For example, the Alabama State Bar co-sponsors our statewide private bar campaign, which began with a letter from the then State Bar President to all attorneys in Alabama, and LSCA received a grant from the Alabama Law Foundation for use in constructing the joint website of the three programs. However, the three directors and program staff have been primarily responsible for changes that have resulted in enhanced client services and more effective and efficient administration of resources.

A review of our previous reports in response to Program Letter 98-1 and 98-6 regarding state planning initiatives reveals that we have effectively accomplished much of what we addressed as the primary needs in those documents. During the past three years, we have further developed a comprehensive legal services delivery system throughout Alabama through planned and coordinated joint projects between the three programs. However, the single greatest obstacle to improving and expanding access to legal services here in Alabama to all eligible persons remains our dependence on LSC funds. As will be seen in this report, we have made great strides in setting in motion plans to reduce this dependence and to increase local support for our efforts.

### **1) To what extent has a comprehensive, integrated client-centered legal services delivery system been achieved in Alabama?**

1. The Alabama Legal Services programs prioritize client needs involving domestic violence, housing, consumer problems, and income maintenance/public benefits issues. In an effort to address these priorities, the programs have collaborated in several ways. First, we have constructed Strategic Advocacy Teams (SATs) composed of attorneys and paralegals from all three programs. At this time, both the domestic violence and public benefits SATs are active, meeting regularly to discuss emerging issues across the state and to coordinate and strategize possible responses. Additionally, the SATs discuss training needs for our advocates, making recommendations to the three directors for both in-house and outside trainings. We are presently reinvigorating the housing and consumer SATs.

With growing client needs in these four main areas comes the need for additional staff and resources to address these needs. The three programs work with pro bono attorneys through pro bono projects active in our service areas and assist in efforts to recruit and train private attorneys to serve not only in a pro bono capacity, but also on our PAI panels. However, we believe that much must be done to increase funding for the three programs if we are to more

adequately address relative equity issues in terms of availability of and access to services throughout the state.

In order to increase funding, the three programs first contracted with Joe Dailing to provide consultant services in fundraising and development. A Director of Development, Barbara Jackson, has recently been hired to serve all three programs. Though she is housed in LSCA, Ms. Jackson is supervised by all three directors and travels throughout the state to coordinate our fundraising efforts within the private bar. Additionally, all three programs are participants in a HUD counseling grant through a consortium created by West Tennessee Legal Services. This grant has provided additional funding for housing activities and advocate training in this important area.

It should be noted that low income Alabamians are also impacted by such statewide problems as an inadequate tax base, an outmoded state constitution, the lack of landlord/tenant protections in state law, inadequate transportation systems in the most rural areas, inequitable funding of public schools, and the lack of advocacy groups devoted to lobbying issues relating to poverty. Fortunately, Alabama ARISE, a statewide coalition of individuals and groups, is attempting to promote a legislative agenda that includes addressing these and other issues of importance to our clients and non-LSC stakeholders.

2. Direct representation of clients is provided by legal services staff and panels of private attorneys serving either in a pro bono capacity or through the PAI projects. A full range of services is available, including counsel and advice and brief service as well as extended representation before courts and administrative agencies. All counties in Alabama are also served by lawyer referral systems operated either through local bar associations or the Alabama State Bar. These systems provide advice and counsel at low-cost to clients, but is a fee-based service delivery mechanism.

Program staff routinely participate in community education events and work collaboratively with the Alabama State Bar Volunteer Lawyers Program to provide self help and preventative education trainings for low income persons in selected locations throughout the state. Most recently, we have focused on consumer issues through this collaboration, but seminars targeted for seniors are planned as are programs to be presented in more rural areas.

The three programs have jointly developed a website at [alsp.org](http://alsp.org) that provides information about our services and will eventually make available pro se forms and other self help materials. Many links to other Alabama agencies and groups that could be of service to our clients are provided. We also have a listserv that is now being used by our advocates and SATs to share information on a statewide basis and receive assistance across program lines. Our joint trainings also continue, as previously alluded to, based upon recommendations of the SATs.

Finally, the three directors have worked with a statewide task force on the creation of pro se forms and services in the state court system that was originally appointed by the Chief Justice of the Alabama Supreme Court and the Alabama State Bar President. Draft forms have been prepared by a subcommittee of this task force chaired by LSCA's director, but we are waiting for direction from the new Chief Justice as to whether he intends to continue this task force. Whatever the outcome of this, the three programs are committed to reviewing and using the draft pro se forms on our website and in our law practice. We hope to have some word as to the future of the task force by year end.

3. Though the directors have reviewed the programs and projects in relation to the ABA

Standards for Providers of Civil Legal Services to the Poor as well as the LSC Performance Criteria in preparing grant applications and our previous state planning responses, no formal mechanism has been established among the three programs for undertaking regular system performance review.

4. Access to services is provided throughout our service areas using several methods. First, attorneys and paralegals regularly travel to designated locations in counties in which there is no legal services fulltime office. This “circuit riding” includes meeting clients by appointment and, in most counties, being available for “walk ins.” The regional offices of LSCA and LSNCA have 1-800 telephone numbers that may be used by potential clients in the outlying counties. These numbers are answered by the regional office serving that particular county. LSCA contracts with LanguageLine to provide translation services and all three programs have developed local resources through colleges and military bases that can provide translation services as needed.

The joint website provides in-depth information about services as well as some materials for self help purposes. As previously mentioned, the website is still being developed but will eventually include pro se forms and more preventive legal education materials.

Again, however, issues of increasing our funding impact the statewide system and our ability to ensure relative equity in availability of services throughout the state. The three programs have agreed to share all funds raised statewide through the joint private bar campaign on the basis of poverty population, i.e., LSCA assumes 76% of the costs of the campaign and will receive 76% of the profits; LSMB assumes 15% costs and receives 15% profits; and LSNCA assumes 9% of costs while receiving 9% of profits. Regardless of where the donations come from in Alabama, all funds raised in this campaign are divided in accordance with this agreement.

5. As previously noted, the three programs have jointly developed a website, [alsp.org](http://alsp.org), that provides information about services as well as other self help and educational materials. The listserv is being used increasingly by advocates throughout the state to share strategies and receive help across program lines. All casehandlers have access from their desks to the Internet and to other research services online, such as Lexis. Of course the programs have always used telephone and fax services to conduct initial intakes as well as to provide advice and brief service when needed. LSCA is presently planning a pilot project for centralized intake.

6. Until the 2000 grant cycle, LSCA received a statewide grant for the provision of legal services to migrant and seasonal farmworkers. In an effort to more effectively reach this growing client population, LSCA did not compete for its grant and joined in a multi-state consortium under the leadership of Texas Rural Legal Services. The three Alabama programs have pledged cooperation to the resulting consortium and look forward to working to expand services to migrant farmworkers.

As noted above, LSCA and LSNCA provide 1-800 numbers for outlying counties (LSMB service area involves only local calls and thus a 1-800 number is not needed); the website has been constructed and is being continually developed and updated; intakes can be performed and services provided through circuit riding; community education events are held and provided by staff; and translation services are available to staff in all three programs.

7. The three programs rotate responsibility for hosting meetings of the Alabama State Clients Council. In October, at least two members of the Executive Committee of the Council

will be attending a leadership training conference conducted by the Georgia Clients Council. Additionally, staff provide trainings at each quarterly meeting of the State Clients Council and work with local active client councils. The directors, as always, are pledged to encouraging client council leaders and activities by providing funding as well as training. Quarterly meetings of the Council are hosted on a rotating basis by the three programs in collaboration with local client councils.

The staff of the three programs reflect the diversity of Alabama's population and that of our client population as well. The Board of Directors of each program are comprised of both attorneys and client eligible members as required by LSC. The Boards are racially, ethnically, and economically diverse and have both men and women members. LSNCA's Board is now rotating the location of its meetings to include sites in each of its five counties.

As a result of the statewide fundraising campaign, leadership committees have been developed in both Huntsville and Birmingham. These committees are composed of attorneys from large and small firms and are racially and gender diverse. Similar committees will soon be developed in Montgomery, Mobile and Tuscaloosa. It is hoped that these bar leaders will not only assist with fundraising for the programs, but will also serve as planning groups as well.

8. Increasing and diversifying our funding base is the most urgent project for the three directors. We simply must bring additional resources to our efforts if we are to more completely develop our client-centered, comprehensive delivery system for Alabama. The recent hiring of the statewide Director of Development is a major step in achieving our goal of increasing resources for the programs.

The three directors are presently plan to create a uniform client needs survey instrument for use statewide. It is hoped that we will use this instrument in conducting a needs assessment in 2002. (Though a statewide survey was undertaken in 1999 using a professional polling organization by the three programs in collaboration with the Alabama State Bar, the results of the survey have been determined by all involved to be unreliable and problematic; a needs assessment based upon these results was therefore impossible.)

9. Again, lack of adequate funding has been, and continues to be, the major obstacle in achieving our goals for assuring access to services throughout our state. Our dependence on federal funds has placed us at the mercy of political changes in Washington, causing staff turnover as well as reductions. We simply must continue our efforts to acquire legislative funds, additional foundation and government grants, as well as increased contributions from the private bar. A work plan for our new Director of Development is presently being developed that will address both the steps to be taken in this regard as well as a timetable for completion.

Our statewide private bar campaign, "The Power of an Hour," is underway having begun in January with a letter from the State Bar President to the entire Alabama State Bar. We are asking each attorney to pledge the equivalent of one billable hour per year for a three year pledge period to the campaign. Lead gifts and major gifts are being sought as well. Leadership committees have been established in Huntsville and Birmingham to conduct peer-to-peer campaigns and committees will soon be established in Montgomery, Mobile and Tuscaloosa for this purpose.

Additional efforts to increase funding continue, including seeking United Way funds, donated space and office equipment, municipality and local government funds (Huntsville), CDBG funds, filing fee add-ons either at the state level or locally, VAWA grants, Older

American Act funds, Ryan White monies, and charitable foundations.

10. Though many projects have been initiated and increased collaboration among the three programs has resulted from our efforts to create a comprehensive, integrated and client-centered legal services delivery system, we have not conducted a formal “benefit-to-cost” analysis. However, we certainly believe that all actions taken through the state planning process have been both beneficial for staff and clients alike, and cost-effective as well.

11. As noted throughout, increased funding for services and additional personnel is a necessity if we are to meet our goals. We could then increase salary scales for staff. Also, a loan forgiveness program as well as a national retirement plan would assist in attracting and keeping competent, committed staff. An LSC grant to underwrite costs associated with state planning efforts, such as statewide retreats for strategic planning and trainings, or a state support center would also be helpful.

**2. To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?**

1. The three programs have increased the use of technology to provide information and services to our clients through the construction of a joint website, 1-800 numbers (creating modified hotlines by providing advice and even brief service by telephone), and using online research services for advocates. The joint listserv provides a rapid response for advocates seeking advice and for the sharing of important information among staff of the three programs. LSCA is presently investigating the implementation of a centralized intake system for its 60 county service area and within the next fiscal year will hire a Director of Advocacy for LSCA.

The SATs address issues affecting our clients during their meetings and create strategies for addressing emerging needs. These advocates also make recommendations for training needs so the programs may sponsor joint trainings in the areas most needed by our lawyers and paralegals.

Our primary goal is to increase and diversify our funding base so as to be able to hire additional personnel and create programs to address critical legal needs of our clients. All of the above mentioned work being pursued under the statewide Director of Development should result in less dependence on LSC grant funds. The success of these important efforts will be easily quantified in terms of total dollars/funds generated.

To measure our success in meeting the critical needs of low income Alabamians, we review case statistics and share information relating to impact casework handled among the programs. The members of our SATs routinely discuss strategies and success stories and the directors meet regularly to share information about programmatic issues. Of course the three Boards of Directors review case statistics as well. Additionally, during a meeting of the State Clients Council, the directors present a survey of legal issues and ask the members of the Council to rank and prioritize legal needs. We also ask their advice and counsel concerning how to better meet these needs.

2. The three programs routinely work in close collaboration with the pro bono projects

operating in Alabama. We also assist in recruitment of volunteers and in training for the pro bono attorneys. The resulting additional clients served by these private attorneys is quantified by the pro bono projects themselves as well as on our case management systems for those cases referred to the programs. Of course the programs annually recruit private attorneys for service on our PAI panels and the cases are managed and accounted for on our case management systems. Finally, as with the present HUD grant which has enabled our staff to provide additional housing counseling services, the programs are expanding services offered by our own staff as we increase and diversify our funding.

As has been mentioned throughout this report, the three programs have developed a joint website at [alsp.org](http://alsp.org) that provides information about our services and will eventually make available pro se forms and other self help materials in addition to the fact sheets already on the site. Links to other Alabama agencies and groups that might be of assistance to our clients are provided there as well. We also have created a listserv for use by advocates and staff of the three programs. The listserv is being increasingly used for the sharing of information and quick strategy planning across program lines. The increased use of technology by staff is clearly expanding accessibility and quality of services throughout the state.

There are very few other providers of free or low cost civil legal services in Alabama. We make referrals to clinical programs at the law schools, such as the Alabama Disabilities Advocacy Program at the University of Alabama School of Law, but have found that other providers tend to handle cases that can be promoted through the press. For example, though we have tried to send individual cases to the Southern Poverty Law Center, we have thus far found them unwilling to take on individual representation, favoring the more sensational problems. We cooperate with existing IV-D programs and refer child support collection cases into district attorney units in those counties with such units. Finally, we make referrals to the various Lawyer Referral Services operated by the state and local bar associations through which Alabamians may receive low cost advice and council. However, the primary source for the provision of free legal services in civil cases remains the three legal services programs.

3. We believe that the three programs have always maintained a high level of quality services. However, since 1998, we have worked together to find inexpensive, but effective, research and training programs for our staff. Through the work of the SATs, the sharing of information on our listserv and website, the availability of computer and online research materials at each advocate's desk, and the internal trainings provided by the three programs (as well as the outside CLE trainings to which we regularly send staff), we have maintained a high degree of professionalism and competence, thus maintaining high quality services at minimum cost. Additionally, the three programs have a strong core of long-term advocates who supervise new staff members and willingly share their expertise across program lines. Staff regularly participate in the Southeast Public Benefits Task Force meetings and the three directors attend national meetings when budgets and time permit and are active in the Southeastern Project Directors Association. These activities assure that we remain abreast of developments at the national level in a timely fashion.

We have intensified our efforts since 1998 to train pro bono and PAI attorneys in poverty law issues which has probably resulted in an increase in quality. Staff members worked with private attorneys to produce a "Basic Issues of Law" manual for pro bono volunteers and have annually updated this important resource. The manual also serves as a basis for a CLE seminar

given during the annual Alabama State Bar convention. Program staff work the Alabama State Bar Volunteer Lawyers Program to produce materials and present this seminar. Additionally, staff produced a "Consumer Law Manual" that has been made available to pro bono and PAI attorneys as well as the private bar generally.

4. Though much remains to be done to assure client access throughout the state, we believe we have are making strides in this area. As previously noted, we continue to circuit ride to outlying counties, make available 1-800 telephone numbers within each county that answer in the office serving that county, and fully utilize PAI and pro bono resources. LSCA is now investigating a pilot project for a centralized intake system. The website provides information to those persons able to get to a computer with Internet connections. The directors have participated in a statewide task force to formulate pro se forms for use in our court system and will use the draft forms internally and on the website regardless of the future course taken by this now dormant task force. LSCA now uses LanguageLine for translation services throughout its areas and all three programs have access to translation services as well as services for the hearing or sight impaired. The consortium created to address the need of migrant and seasonal farmworkers that Alabama has now joined should result in increased access for this client population.

Finally, our fundraising efforts are statewide in nature, as previously discussed. The costs and profits from the work of our Director of Development on the "Power of an Hour" private bar campaign will be shared among the programs according to poverty population. This division, regardless of where the money is raised, will further enhance statewide efforts to achieve relative equity of access throughout Alabama. However, we acknowledge that increasing and diversifying our funding base will assist us to more effectively provide access to Alabamians living in the most rural areas of our state.

5. Through the mechanisms and systems listed above, we believe that there has been an improvement in the availability of the full range of civil equal justice delivery capacities throughout Alabama. Obviously there are poor, rural areas in Alabama that still suffer a disproportionate lack of resources in terms of pro bono as well as PAI attorneys in spite of our best efforts to service these counties. Additionally, these areas are particularly difficult to serve due to inadequate transportation systems, great distances from a legal services fulltime office, a lack of highly developed communication systems, and a small social service organization presence in those areas. Rural delivery continues to be a major problem addressed by the programs and their Boards. As we diversify and increase our funding, sharing the profits from the private bar campaign based on poverty population regardless of where the monies are raised, we hope to provide more resources in the rural areas which presently have so few resources available.

6. We believe that the legal services delivery system in Alabama operates efficiently and that there are no areas of duplication of services among the three programs. Additionally, where other resources exist for the provision of services, we attempt, with marginal success rates, to refer clients to those resources. We also continuously work to increase PAI and pro bono participation and try to fully utilize all volunteer services available. The inter-programmatic referral system we have created works well and assures that, regardless of case venue, a legal services client anywhere in Alabama may be served cooperatively among the programs.

7. As previously noted, the three programs work closely and collaboratively with the

existing pro bono projects in Alabama, these being the Alabama State Bar Volunteer Lawyers Program, the Mobile Bar Association Volunteer Lawyers Program, the Birmingham Bar Association Volunteer Lawyers Program, and the Madison County Lawyer Referral Service. We continue to recruit and train PAI and pro bono attorneys and have encouraged volunteer service among retired attorneys. All three directors are members of the Alabama State Bar Committee on the Volunteer Lawyers Program/Access to Legal Services, thus assuring that we communicate regularly with bar leaders concerning the needs of our clients. Where available, referrals are made to lawyer referral systems through which clients may receive low-cost advice and council. Finally, we hope to maintain the Leadership Committees, comprised of prominent attorneys in Huntsville, Birmingham, Montgomery, Mobile, and Tuscaloosa, now being formed through our private bar campaign as a resource for future strategic planning regarding provision of services.

### **3. Are the best organizational and human resource management configurations and approaches being used?**

1. LSCA serves 60 of Alabama's 67 counties encompassing 76% of the state's poverty population in accordance with the 1990 census figures. LSMB serves Jefferson (Birmingham) and Shelby counties with 15% of the state's poverty population. LSNCA serves 5 counties in northeast Alabama and includes 9% of the state's poverty population. LSCA currently has seven fulltime regional offices and four fulltime satellite offices. All administrative functions for the entire program are handled out of a Central office in Montgomery. LSMB serves its two counties from its fulltime office in Birmingham. LSNCA has a fulltime regional office in Huntsville and a fulltime regional office in Decatur.

Each program has an executive director and is overseen by its own separate Board of Directors. Attorney members of LSCA's Board are appointed by the Alabama State Bar and the Alabama Lawyers Association; LSMB's attorney members are appointed by the Birmingham Bar Association, the Bessemer Bar Association, the Shelby County Bar Association, and the Magic City Bar; and LSNCA's attorney members are appointed by the Huntsville/Madison County Bar Association, the Limestone County Bar Association, the Morgan County Bar Association, the Jackson County Bar Association, and Interfaith Mission Services. LSCA and LSMB both have administrators overseeing financial matters. LSCA additionally employs a controller, a librarian, and 4 other administrative staff members who handle all financial matters, including payroll, benefits, and bill payments, for LSCA out of its Central office in Montgomery.

Although some of the following funding sources do not have a calendar fiscal year, 2001 funding sources for the three programs are generally as follows:

LSCA - \$4,831,192 Basic Field LSC Grant; \$259,875 Domestic Violence IOLTA Grant, Alabama Law Foundation; \$318,500 VAWA Grant (only prorated portion of 18 month grant); \$20,400 Children's Trust Fund, State of Alabama; \$55,000 Older American Act funds through East Alabama Regional Area Agency on Aging; and \$39,509 HUD Grant.

LSMB - \$977,006 Basic Field LSC Grant; \$81,000 IOLTA Grant, Alabama Law Foundation; \$30,000 IOLTA Grant, Alabama Law Foundation, for the Birmingham Bar Association Volunteer Lawyers Program; \$53,254 CDBG funds; \$5,000 Women's Fund;



\$10,000 Enterprise Community Grant; and \$13,5000 HUD Grant.

LSNCA - \$549,609 Basic Field LSC Grant; \$81,000 Domestic Violence IOLTA Grant, Alabama Law Foundation; \$5,000 ESG Grant; \$37,250 City of Huntsville Grant; and \$10,000 HUD Grant.

We estimate that approximately \$35,000 in cash pledges has been raised thus far this year in the capital campaign, but these funds have been exhausted in establishing the Director of Development's office and her initial expenses for training and travel.

In addition to the three legal services programs operating in Alabama, there are presently three independent pro bono projects, as well as a lawyer referral system with a pro bono component, providing services to low income Alabamians. The Alabama State Bar Volunteer Lawyers Program in theory provides pro bono services in 64 counties at present. Jefferson County (except for the Bessemer area) is served by the Birmingham Bar Association Volunteer Lawyers Program and Mobile County has a well established pro bono project through the Mobile Bar Association. Madison County has a lawyer referral system through which attorneys also volunteer to handle pro bono work. All referrals to the statewide project must come from one of the three legal services programs. Referrals to the Birmingham pro bono project come through LSMB initially.

2. Since October 1998, discussions have been held concerning possible funding for a state support project similar to the one in Tennessee, for example, but sources for major funds must be identified and raised before any serious discussion in this regard can occur. No changes are currently contemplated in the coming year.

3. Accounting and administrative systems for the three programs are separate as are the human resources management systems. However, there appear to be no other identifiable duplications in capacities or services in the service delivery system. All three programs use the same case management system, i.e., Kemp's 98-1 Clients for Windows.

4. Several initiatives have been developed since October 1998 in our effort to further enhance and improve our statewide delivery system. Possibly most important of all, the creation and hiring for the position of a statewide Director of Development has expanded our joint efforts at fundraising. The private bar campaign is now a statewide effort, with costs and profits shared among the three programs in accordance with poverty population. An annual report was created for the three programs in 1999 and is presently being updated by the Director of Development. A video about the campaign to be used statewide is now in production and we continue to engage additional attorneys in our efforts through the creation of leadership committees in the larger metropolitan areas. Additionally, all brochures and campaign fact sheets produced are joint, i.e., contain information about the "Alabama Legal Services Programs." The recently constructed website is a joint site and we joined together for the listserv for staff during the past year.

Though we have always cooperated in inter-program referrals, we have reevaluated the process since October 1998 and have made the system more efficient.

In collaboration with the Alabama State Bar Volunteer Lawyers Program and the University of Alabama School of Law, the Alabama legal services programs now have law student interns who work 50 hours of volunteer time in our offices during their law school career. These students are then recognized by the Alabama State Bar with a special award. It is hoped that this program will grow and that many students will be encouraged to pursue public

interest or poverty law positions upon graduation. At the very least, we hope that they will become proponents of our work and volunteer as pro bono and PAI attorneys upon entering practice.

Though uncertain as to the future of the statewide pro se task force initiative begun in 2000 as mentioned above, the three programs nevertheless continue to collaborate on drafting pro se forms and other self help materials. Our SATs update facts sheets for use statewide and on the website. LSMB conducts regular pro se clinics. Joint staff trainings will continue among the programs.

In summary, cooperative and collaborative efforts continue among the three programs. We believe we have been successful in these state planning initiatives and intend to explore and expand our joint projects wherever beneficial to the client community and our staff.